



December 3, 2015

Ted Yackulic, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

SUBJECT: Proposed Settlement Agreement for Pre-Remedial Design Study at Quendall
Terminals CERCLA Site

Dear Mr. Yackulic:

Thank you for your recent communications regarding the Quendall Terminals CERCLA site, and for working to bring all the currently named PRPs together to discuss settlement regarding the pre-remedial design study. While the State of Washington Department of Natural Resources (DNR) applauds EPA's efforts to remediate the Quendall Terminals site, DNR must respectfully decline to enter into the proposed pre-remedial design study settlement agreement at this time.

In response to our question at the November 10, 2015, meeting regarding the reason that the Port of Seattle had not been identified as a PRP, you indicated that the identity of the agency managing the state-owned aquatic lands within the site was irrelevant, and that DNR had been named as a PRP solely to represent the state of Washington as the sovereign owner of aquatic lands within the site. In conformity with that understanding, DNR continues to hold the opinion that it does not have any liability for the contamination at the Quendall Terminals site. As noted in DNR's response to EPA's Request for Information last year, between 1917 and 1984 – the time period in which the contamination of the state-owned aquatic lands occurred – the state-owned aquatic lands at issue were managed by the Port of Seattle. DNR has only leased the area once, from 1984 to 1996, for log storage purposes. There has been no indication that any contamination occurred during that time.

DNR strongly supports EPA's efforts to see the Quendall Terminals site cleaned up and remediated as quickly as possible. We are hopeful that current efforts will soon result in a final clean-up of a site that is long overdue. If you have any questions, or if DNR can provide further information or assistance in this matter, please feel free to contact our legal counsel, Jennifer Morey, at 360-586-2872 or JenniferM3@atg.wa.gov.

Sincerely,

Kristin Swenddal, Manager
Aquatic Resources Division

c: Jennifer Morey, AAG